




The parties were advised of their right to file written objections to the Report and Recommendation. Mr. Alston filed an Objection on August 10, 2015, ECF No. 30, and an Amended Objection on August 19, 2015, ECF No. 31.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, **ADOPTS** and **APPROVES** the findings and recommendations set forth in the Report and Recommendation filed June 23, 2015, ECF No. 25, in its entirety as the Court's own opinion. Accordingly, the Respondent's Motion to Dismiss, ECF No. 18, is **GRANTED**, and the Petition, ECF No. 1, is **DENIED** and **DISMISSED WITH PREJUDICE**. It is **ORDERED** that Judgment be entered in favor of the Respondent.

The Petitioner is hereby notified that he may appeal from the Judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date that Judgment is entered. Because the Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner and to counsel of record for the Respondent.

It is so **ORDERED**.

  
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Arenda L. Wright-Allen  
United States District Judge

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UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

Date:

*Sept 22, 2015*